

**From:** [Barbara Nann](#)  
**To:** [Anne Foster](#)  
**Subject:** Fw: Meeting in Houston re commercial fishing near San Jacinto River Wastepits.  
**Date:** 10/30/2012 08:52 AM  
**Attachments:** [C. Kim, C. Nguyen, D. Nguyen, T. Nguyen, D. Phan, S. Phan - Affidavit & Background.pdf](#)

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I don't know why they keep sending me stuff since I have told them that you are the attorney on record, but attached is their latest email.

Barbara A. Nann  
Assistant Regional Counsel  
EPA Region 6 (6RC-S)  
1445 Ross Avenue  
Dallas, TX 75202  
phone: (214) 665-2157  
fax: (214) 665-6460  
[nann.barbara@epa.gov](mailto:nann.barbara@epa.gov)

----- Forwarded by Barbara Nann/R6/USEPA/US on 10/30/2012 08:51 AM -----

From: "Owens, Rock (CAO)" <Rock.Owens@cao.hctx.net>  
To: Barbara Nann/R6/USEPA/US@EPA, Jessica Hernandez/R6/USEPA/US@EPA  
Cc: Gary Miller/R6/USEPA/US@EPA, "O'Rourke, Terence (CAO)" <Terence.O'Rourke@cao.hctx.net>, "Baker, Debra (dbaker@connellybaker.com)" <dbaker@connellybaker.com>  
Date: 10/29/2012 04:52 PM  
Subject: Meeting in Houston re commercial fishing near San Jacinto River Wastepits.

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Barbara & Jessica

Dioxin, widely regarded as one of the deadliest chemicals ever made by man, has been allowed to release into the San Jacinto River from the San Jacinto Waste Pits. This has led to decades of dioxin exposure to the public and the food supply of Harris County. In the course of a lawsuit brought by Harris County against International Paper Company, Waste Management, Inc., Waste Management of Texas, Inc. and McGinnes Industrial Maintenance Corporation for their actions and inactions associated the dioxin contamination from the Waste Pits, information has recently been identified regarding continued fishing near the Waste Pits and that in some cases, commercial fishermen are harvesting seafood near the Waste Pits for sale and distribution to the general public.

The dangers posed by the consumption of dioxin contaminated fish and seafood taken in and around the San Jacinto River and Upper Galveston Bay have been known for at least two decades and despite warnings dating back to the 90s, the public continues to be exposed to the dangers posed by eating tainted fish and seafood.<sup>[iii](#)</sup> Some are exposed by the need to subsist and because they do not fully appreciate the danger continue to eat fish from these areas while others, unaware of the source of the fish and seafood they eat, stand to suffer the effects of dioxin poisoning through no fault of their own.

On July 8, 2008 the Texas Department of Health Services issued the following warning for



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catfish and Speckled Trout in Galveston Bay “Adults are advised to limit consumption of the two fish to no more than one 8-ounce meal a month.<sup>[2]</sup> Women who are nursing, pregnant or who may become pregnant and children should not eat any catfish or spotted sea trout from these waters.” Yet, despite this public admonishment against consumption, individuals continue to take and eat shellfish and finfish from the River and Bay.<sup>[3]</sup>

Despite placing warning signs along the banks of the River, people continue to fish and eat fish from this area. Information recently obtained from the Texas Parks & Wildlife game wardens who physically patrol the Site area demonstrate that seafood from the Site area continues to be harvested, with some destined for commercial sale and ultimate consumption by humans. In a recently documented incident raising grave concern for human health and public safety, a fisherman was caught with seafood from the Site bound for commercial sale to the wider general public. This has underscored the need to take immediate steps to make sure contaminated seafood does not enter the commercial market.

On October 27<sup>th</sup> Vince Ryan received the sworn affidavits of 6 more individuals that affirm they have been taking crab, oyster and finfish near the Waste pits and sold them to commercial outlets that they identified. This information requires that the public be warned of the continued danger posed by fishing in the area. Those affidavits are attached for your information to this email along with background information regarding the individual affiants that we have obtained.

On October 30, 2012, the individuals that signed these affidavits have requested a meeting with the Harris County Attorney at the law offices of Tammy Tran 11405 Bellaire Blvd., Suite A, Houston, TX 77072, 713-655-0823, 713-655-0737 at 3:00 p.m. You and your agency are invited to attend and participate in this meeting and if you wish we will try to get you into the meeting by phone. Please do not hesitate to contact me if you have questions or need additional information.

<sup>[1]</sup> News release, no date, circa 1990-1992 Texas Department of Health

<sup>[1]</sup> DSHS issues Fish Consumption Advisory for Galveston Bay, July 8, 2008

<sup>[1]</sup> Affidavit of Texas Parks & Wildlife Captain Fred Ruiz,

Regards,

Rock Owens  
Managing Attorney  
Office of Vince Ryan  
Harris County Attorney  
Environmental & Infrastructure Group  
1019 Congress, 15th Floor  
Houston, Texas 77002

(713) 274-5121  
rock\_owens@hctx.net

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<sup>[1]</sup> News release, no date, circa 1990-1992 Texas Department of Health

<sup>[2]</sup> DSHS issues Fish Consumption Advisory for Galveston Bay, July 8, 2008

<sup>[3]</sup> Affidavit of Texas Parks & Wildlife Captain Fred Ruiz,



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